

Judge Burgess

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KAMSATH NOY BUTH,

Defendant.

NO. CR05-5469FDB

COMPETENCY ORDER

After considering the evidence, the Court finds by a preponderance of the evidence that the defendant, KAMSATH NOY BUTH, is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him, or to assist properly in his defense, it is, therefore, HEREBY ORDERED pursuant to Title 18, United States Code, Section 4241(d)

That defendant KAMSATH NOY BUTH BE COMMITTED TO THE CUSTODY OF THE ATTORNEY GENERAL. The Attorney General shall hospitalize the defendant for treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability, that in the foreseeable future, he will attain the capacity to permit the trial to proceed; and, for an additional reasonable period of time until either his mental condition is so improved that trial may proceed, if the court finds that there is a substantial probability that within such additional period of time he will attain the capacity to permit the trial to proceed; or, the

1 pending charges against him are disposed of according to law; whichever is earlier.

2 It is further ordered that the Attorney General prepare a status report on its
3 prognosis regarding defendant's competency no later than four months from the date of
4 this order.

5 It is further ordered, pursuant to Title 18, United States Code section
6 3161(h)(1)(A), that the time required to determine the defendant's mental competency
7 shall be excluded under the Speedy Trial Act

8 It is further ordered that pursuant to Title 18 U.S.C. §3161(h)(1)(H), the United
9 States Marshal's Office shall transport the defendant to a suitable facility within ten days
10 of the signing of this Order and shall return the defendant to this court within ten days of
11 the completion of the psychiatric hospitalization ordered herein.

12 It is further ordered that delay resulting from the transportation of the Defendant in
13 accordance with this order is excludable pursuant to Title 18 U.S.C. §3161(h)(1)(H).

14 DATED this 15th day of November, 2006.

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20 FRANKLIN D. BURGESS
21 United States District Judge

22 Presented by:

23 s/ Paula T. Olson (per telephonic auth.)
24 PAULA T. OLSON, WSB # 11584
25 Attorney for Defendant Buth

26 s/ Kent Y. Liu
27 KENT Y. LIU
28 Special Assistant United States Attorney